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14 GILEAD SCIENCES, INC.

15 *Additional counsel listed on signature page*

16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**  
**(SAN JOSE DIVISION)**

18 GILEAD SCIENCES, INC.,

19 Plaintiff and Counterdefendant,

20 v.

21 MERCK & CO, INC. (Defendant only), MERCK  
22 SHARP & DOHME CORP. and ISIS  
PHARMACEUTICALS, INC.,

23 Defendants and Counterclaimants.

Case No. 5:13-cv-04057-BLF/PSG

**GILEAD SCIENCES, INC.'S MOTION  
UNDER FED. R. CIV. P. 50(a)**

1 At the close of Defendants' case-in-chief, as directed by the Court, Plaintiff Gilead  
2 Sciences, Inc. respectfully moves under Fed. R. Civ. P. 50(a) for judgment as a matter of law, for  
3 the reasons to be set forth during forthcoming argument at the Court's earliest convenience, and  
4 in briefing to follow.

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8 Dated: March 16, 2016

FISH & RICHARDSON P.C.

9 By: /s/ Douglas E. McCann  
10 Douglas E. McCann

11 Attorneys for Plaintiff  
12 GILEAD SCIENCES, INC.

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